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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
CHARLENE SCOTT,  
  
Defendant.

CASE NO: 2:15-cr-174-KJD-BNW  
CASE NO: 2:15-cr-193-KJD-PAL

**STIPULATION TO CONTINUE SELF-SURRENDER DATE.**

The United States of America, by and through JASON FRIERSON, United States Attorney for the District of Nevada, and KIMBERLY M. FRAYN, Assistant United States Attorney, and defendant CHARLENE SCOTT, by and through her counsel LUCAS GAFFNEY, ESQ., STIPULATE AND AGREE to request this Honorable Court issue an order extending CHARLENE SCOTT'S self-surrender date to the Bureau of Prisons, which is currently set for May 27, 2022.

DATED this 13<sup>th</sup> Day of May 2022.

*Respectfully submitted,*

/s/ Lucas Gaffney  
LUCAS J. GAFFNEY, ESQ.  
Nevada Bar No. 12373  
1050 Indigo Drive, Suite 120  
Las Vegas, NV 89145  
*Attorney for Charlene Scott*

The instant the Stipulation is entered into for the following reasons:

1. On February 22, 2018, the defendant, Charlene Scott (“Charlene”) pleaded guilty to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6) counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220]. On September 5, 2018, this Court sentenced Charlene to serve forty-six (46) months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].
2. Following this Court’s imposition of sentence, the parties, either jointly or individually, requested to continue Charlene’s self-surrender date due to healthcare concerns with Charlene, and/or her husband, Terry Brown (“Terry”). Presently, Charlene’s self-surrender date is set for May 27, 2022. [See ECF No. 388 (case number 2:15-cr-174); ECF No. 88 (case number 2:15-193)]
3. Charlene suffers from chronic back pain due to a degenerative condition of her spine. At the beginning of 2022 the pain in Charlene’s back became progressively worse. After conducting an MRI, Charlene’s physician scheduled her for major back surgery (Anterior Posterior Lumbar Interbody Fusion). Through no fault of her own, the surgery was delayed until June 26, 2022. At present, representatives from the Nevada Spine Clinic estimate Charlene’s recovery may take up to ninety (90) days.
4. The parties respectfully request this Court issue an Order continuing Charlene’s self-surrender date for ninety (90) days.
5. Charlene is currently out of custody and does not object to the continuance.
6. Counsel has discussed this matter with AUSA Kimberly Frayn, and she does not object to a ninety (90) day continuance of Charlene’s self-surrender date.
7. This continuance is not sought for the purposes of delay.

DATED this 13<sup>th</sup> Day of May 2022.

*Respectfully submitted,*

/s/ Lucas Gaffney

LUCAS J. GAFFNEY, ESQ.  
1050 Indigo Drive, Suite 120  
Las Vegas, NV 89145  
*Counsel for Charlene Scott*

/s/ Kimberly Frayn

KIMBERLY M. FRAYN  
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501 Las Vegas Blvd. South, Suite 1100  
Las Vegas, NV 89101  
*Counsel for United States*

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**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER**

**FINDINGS OF FACT**

1. On February 22, 2018, the defendant, Charlene Scott (“Charlene”) pleaded guilty to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6) counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220]. On September 5, 2018, this Court sentenced Charlene to serve forty-six (46) months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].
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1 7. This continuance is not sought for the purposes of delay.  
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3 **CONCLUSIONS OF LAW**

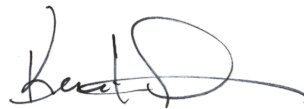
4 Pursuant to 18 U.S.C. §3143(a), this Court may permit Charlene to voluntarily report to  
5 prison if it is determined by “clear and convincing evidence that she is not likely to flee or pose a  
6 danger to the safety of any other person or the community.” Accordingly, 18 U.S.C. §3143(a)  
7 gives this Court the inherent authority to continue Charlene’s self-surrender date as long as she is  
8 not a danger to the community or a flight risk. This Court has not found a violation of Charlene’s  
9 conditions of pretrial release since setting the conditions in July of 2015, and as the Court  
10 previously determined in allowing Charlene to remain at liberty pending her self-surrender to the  
11 Bureau of Prisons, she is neither a danger to the community nor a flight risk.

12 **ORDER**

13 IT IS THEREFORE ORDERED that the Stipulation to Continue Self-Surrender Date is  
14 GRANTED.

15 IT IS FURTHER ORDERED that CHARLENE SCOTT shall self-surrender to the  
16 designated Bureau of Prisons’ facility on the 30th Day of September, 2022.

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18 DATED AND DONE this 13th day of May, 2022.

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21 UNITED STATES DISTRICT COURT JUDGE  
22 THE HONORABLE KENT J. DAWSON  
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